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500.40416X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KIKUCHI et al
Serial No.: 09/921,141
Filed: August 3, 2001
For: Electric Appliance Renting System
Art Unit: 3627
Examiner: L. Jasmin

REQUEST FOR RECONSIDERATION

Mail Stop: Response (No Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 7, 2006

Sir:

The following remarks are respectfully submitted in connection with the above-identified application, in response to the Office Action dated August 7, 2006.

The rejection of claims 21 - 43 under 35 USC 103(a) as being unpatentable over Yabutani et al in view of Yablonowski et al, is traversed, as being improper in that applicants submit that Yabutani et al, which is a patent which is commonly assigned to the assignee of the present application, i.e., Hitachi, Ltd., is not properly utilizable in rejecting claims of this application under 35 USC 103(c).

In accordance with 35 USC 103(c), "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention, were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person". Applicants submit that Yabutani et al, which is